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April 12, 2019

**Via ECF**

Honorable Paul E. Davison  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601

Re: Rutkovsky v. Allstate Insurance Company  
Our File No. 2699.01  
Docket No.: 18 CV 05233 (PED)

Dear Judge Davison:

We represent the plaintiff in the above referenced matter. In accordance with your honor's motion procedures, plaintiff respectfully requests a pre-motion conference concerning its request to file a motion for summary judgment.

Plaintiff is the owner of the premises located at 16 Glen Park Road, Purchase, New York. The property was insured by Allstate Insurance Company. On May 21, 2016, there was a fire at the premises that totally destroyed the house. A claim was submitted to Allstate, and the parties agreed to building damage replacement cost in the amount of \$709,179.70. Allstate paid the actual cash value of the damages in the amount of \$579,041.48, and withheld recoverable depreciation in the amount of \$130,138.22. The policy provided that upon the repair or replacement of the home, Allstate would pay the insured the recoverable depreciation. The insured, being unable to rebuild the premises, instead purchased a replacement condominium for approximately \$725,000, and thereafter made claim to Allstate for the recoverable depreciation. Allstate refused to pay plaintiff the recoverable depreciation and issued a denial letter dated May 16, 2018. (**Letter attached hereto**).

The denial letter recites the applicable policy provisions, which will not be repeated herein. There is no dispute that an insured has the option to repair the damaged premises or replace it by purchasing another premises in order to recover the depreciation hold back. This is the only issue in this case which is a matter of law that can be decided by summary judgement.

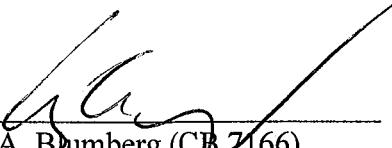
**Law Office of Craig A. Blumberg**

**April 12, 2019**

Respectfully,

LAW OFFICE OF CRAIG A. BLUMBERG

By: \_\_\_\_\_

  
Craig A. Blumberg (CB 7166)

cc: Skarzynsky Black, LLC  
Thomas H. Cellilli, Esq.